

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Paragraph [04] on page 1 has been amended as follows:

[04] Advanced data communication services in the mobile telephony environment are becoming a reality. Short Message Service (SMS), Unstructured Supplementary Service Data (USSD), General Packet Radio Service (GPRS), Enhanced Data for GSM Evolution (EDGE), ~~Universal Mobile Telecommunication Service (UMTS)~~, 1x, 1xRTT, ~~short range radio frequency protocols (e.g., IEEE, 802.11.b)~~ etc. are all examples of technologies that may be used to implement wireless data communication.

Paragraph [17] on page 5 has been amended as follows:

[17] According to an exemplary embodiment of the present invention, the wireless device 14 includes a data rating application that is capable of detecting factors and events in the wireless device 14 that relate to data transmissions to and from the wireless device 14. The factors available for rating the data communication session and the events provided by the network 10, and ultimately the wireless device 14, for detecting those factors are dependent upon the network 10 and the wireless device 14. The ~~data billing~~^{rating} application can reside on executable memory within the wireless device 14. Such memory can be one of any type such as ROM, EPROM, or flash memory. The data rating application can store dynamic data in RAM and utilize nonvolatile memory such as EEPROM or flash memory to store control data. Alternatively, the data rating application can reside on a smart card, such as a universal subscriber identification module (USIM) or Removable Universal Identity Module (R-UIM), which is attachable to the wireless device 14.

Paragraph [38] on page 10 has been amended as follows:

[38] According to a second exemplary rating option, a factor used to select a rating option is based on data utilization, or more specifically, ~~how data obtained during the data communication session between the network 10 and the wireless device 14 is utilized by the wireless device 14 (or an application thereon)~~ the rating for data obtained during the data communication session between the network 10 and the wireless device 14 is based on the wireless device 14 (or an application thereon) using the data (which itself may be an application). For example, if the data obtained by the wireless device 14 during a data communication session

is a game application, when the game application is initiated or executed, the data rating application uses this information in selecting a rating option.

IN THE CLAIMS:

Claim 1 has been canceled.

Claims 2-128 have been added.